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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 05 2006

at 8 o'clock and 30 min.
SUE BEITIA, CLERK

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MATTHEW HARRELL,

Plaintiff,

vs.

CITY AND COUNTY OF
HONOLULU, A Municipal corporation,
the Royal Hawaiian Band, Aaron Mahi,
Sr. Director, Robert Larm, Sanford
Masada.

Defendants.

MATTHEW HARRELL,

Plaintiff,

vs.

CITY AND COUNTY OF
HONOLULU, A Municipal
corporation, the Royal Hawaiian Band,
A Dept. of the City of Honolulu; Aaron
Mahi, Sr. Director,

Defendants.

Civil No. 01-00555 MEA-KSC
Civil No. 02-00223 MEA-KSC
[Cases Consolidated]

CITY DEFENDANTS' PROPOSED
JURY INSTRUCTIONS RE: AUDIO
CASSETTE TAPES; CERTIFICATE
OF SERVICE

Trial: January 4, 2006

Judge: Honorable Marvin E. Aspen

CITY DEFENDANTS' PROPOSED
JURY INSTRUCTION RE: AUDIO CASSETTE TAPES

Come now, Defendants City and County of Honolulu, the Royal Hawaiian Band, Aaron Mahi, Robert Larm, and Sanford Masada (hereinafter "Defendants"), by and through their attorneys, CARRIE K.S. OKINAGA, Corporation Counsel and MOANA A. YOST, DEREK T. MAYESHIRO and JANE KWAN, Deputies Corporation Counsel, and pursuant to the Order Denying City Defendants' Motion in Limine No. 2 filed January 4, 2005, hereby file their Proposed Jury Instruction Re: Audio Cassette Tapes.

DATED: Honolulu, Hawaii, January 5, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By

A handwritten signature in black ink, appearing to read "Derek T. Mayeshiro", is written over a horizontal line.

DEREK T. MAYESHIRO

MOANA A. YOST

JANE KWAN

Deputies Corporation Counsel

Attorneys for Defendants


CITY DEFENDANTS' PROPOSED
JURY INSTRUCTION RE: AUDIO CASSETTE TAPES

You, the Jury, have heard the audio recordings of the three applicants who auditioned for the solo bassoonist position with the Royal Hawaiian Band. You are not being asked to critique or rank the applicants based upon these recordings. In their capacities as Bandmaster, Assistant Bandmaster, and Woodwind Supervisor, the panelists critiqued and ranked the applicants' live performances in the categories of Tone, Technique, Intonation, Interpretation, and Musical Effect.

Andre' S. Wooten, Esq.
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1188 Bishop Street
Honolulu, Hawaii 96813
Attorney for Plaintiff

DATED: Honolulu, Hawaii, January 5, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By 
DEREK T. MAYESHIRO
MOANA A. YOST
JANE KWAN
Deputies Corporation Counsel
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